

REMARKS

The present application has been reviewed in light of the Office Action dated March 4, 2008. Claims 1, 3-6, and 9-11 are presented for examination, of which Claims 1 and 9 are in independent form. Claims 2 and 8 have been canceled without prejudice or disclaimer of the subject matter presented therein. Claims 1, 3-6, and 9 have been amended to define Applicants' invention more clearly. Claims 10 and 11 have been added to provide Applicants with a more complete scope of protection. Favorable consideration is respectfully requested.

As an initial matter, the Office Action, at page 2, states that "[d]ue to the excessively lengthy Information Disclosure Statement submitted by applicant, the examiner has given only a cursory review of the listed references." Office Action, page 2. The Office Action continues, "[i]n accordance with MPEP 609.04(a), applicant is encouraged to provide a concise explanation of why the information is being submitted and how it is understood to be relevant." *Id.* Applicants submit that they have fully complied with MPEP § 609, which states that "the requirement for a concise explanation of relevance is limited to information that is not in the English language." MPEP § 609.04(a). Should the Examiner maintain that any portion of any Information Disclosure Statement submitted by Applicants does not comply with MPEP § 609, then Applicants respectfully request further guidance as to what corrections must be made in order to achieve compliance.

Additionally, Applicants wish to point out that the Examiner has not considered several of the documents submitted by Applicants in previously filed Information Disclosure Statements. For the Examiner's convenience, Applicants are submitting an additional Information Disclosure Statement citing, among others, these

unconsidered documents. It is respectfully requested that these documents be considered by the Examiner and that initialed copies of the corresponding forms be returned indicating that the documents have been considered.

Claims 1 and 8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Cancellation of Claim 8 renders its rejection moot. Applicants have carefully reviewed and amended Claim 1, as deemed necessary, to ensure that it conforms fully to the requirements of Section 112, second paragraph, with special attention to the points raised in section 7 of the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action states that Claims 1, 2, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,480,100 (*Frieden et al.*), in view of U.S. Patent Appln. Pub. No. 2002/0026419 (*Maritzen et al.*); Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Frieden et al.* in view of *Maritzen et al.* in further view of U.S. Patent No. 5,721,781 (*Deo et al.*); Claims 5, 6, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Frieden et al.* in view of *Maritzen et al.* in further view of U.S. Patent Appln. Pub. No. 2004/0044627 (*Russell et al.*); and Claim 1 was rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over Claim 1 of U.S. Patent No. 7,268,668 in view of *Maritzen et al.* Cancellation of Claims 2 and 8 renders their rejections moot. Applicants submit that independent Claims 1 and 9, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is directed to a method for facilitating the management of a plurality of data sets on a transaction device. Important features of Claim 1 are “facilitating selection of at least one of said first data set and said second data set to complete a transaction request” and “completing said transaction request according to said selection.” By virtue of these features, a user can complete a transaction by allocating portions of the transaction amount to multiple accounts configured on the transaction device.

Frieden et al., as best understood by Applicants, relates to a method for organizing and storing data on an RFID tag in a user selected format. In *Frieden et al.*, “multiple tag users may utilize a common RFID tag for data storage, each user using an assigned portion and location of the available tag memory.” *Frieden et al.*, col. 3, lines 62-67. In other words, *Frieden et al.* appears to disclose that multiple users can independently use a selected portion of an RFID tag. *See id.* at lines 29-33. In stark contrast, *Frieden et al.* does not consider completing a transaction by allocating portions of the transaction amount to multiple accounts on the transaction device. Accordingly, Applicants submit that *Frieden et al.* simply fails to teach, suggest, or otherwise result in “facilitating selection of at least one of said first data set and said second data set to complete a transaction request” and “completing said transaction request according to said selection,” as recited in Claim 1.

Accordingly, Applicants submit that Claim 1 is allowable over *Frieden et al.*

Maritzen et al., as best understood by Applicants, relates to a system and method for conducting electronic commerce transactions using a data transaction device in

communication with a transaction and information processing clearing house (TIPCH). In *Maritzen et al.*, a user registers multiple financial accounts (e.g., bank accounts, credit accounts, and utility accounts) with the TIPCH for use in completing transactions. *Maritzen et al.*, paragraph [0071]. Once an account is registered with the TIPCH, a user can complete a transaction via the TIPCH using that account. The user in *Maritzen et al.* can choose an account from the multiple registered accounts to complete a transaction. However, *Maritzen et al.* does not consider allocating portions of a transaction amount to multiple accounts. Accordingly, Applicants submit that nothing has been found in *Maritzen et al.* that would remedy the deficiencies of *Frieden et al.* as applied against the independent claims herein.

Accordingly, Applicants submit that Claim 1 is allowable over *Maritzen et al.*

Applicants further submit that a combination of *Frieden et al.* and *Maritzen et al.*, assuming such a combination would even be permissible, would fail to teach or suggest the “facilitating” and “completing” features of Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claim 9 includes features similar to those discussed above in connection with Claim 1. Therefore, Claim 9 also is believed to be patentable for at least the same reasons as discussed above.

As discussed above, *Maritzen et al.* fails to teach, suggest or otherwise result in the “facilitating” and “completing” features of Claim 1. Accordingly, withdrawal of the double-patenting rejections is respectfully requested.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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